

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

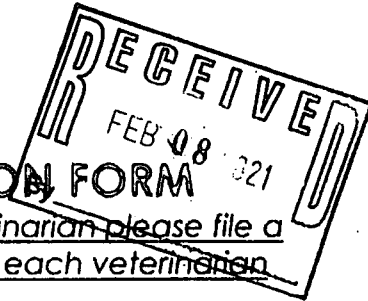
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1PET (1738) FAX (602) 364-1039

VETBOARD.AZ.GOV

COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian



PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: FEB 8, 2021

Case Number: 21-88

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr. Makenzie Kurth, DVM

Premise Name: Queen Creek Veterinary Clinic

Premise Address: 20201 E Ocotillo Rd

City: Queen Creek State: AZ Zip Code: 85142

Telephone: (480) 987-8000

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Donald P. Boucher and Sharon E. Boucher

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Bandit
Breed/Species: Rat Terrier
Age: 15 1/2 Sex: M Color: White/Black

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

While in her care, Dr. Makenzie Kurth failed to provide care for our severely injured dog in violation of ARS Title 13. Criminal Code § 13-2910 (A)(2): Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

Additionally, when she became aware of our injured dog's condition at 0900 hrs on 06/01/20, she did not, nor did she direct her staff to, notify us of the situation.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Donald P. Boucher and Sharon E. Boucher - Pet Owners - _____
_____ - Don's Cell: _____ - Sharon's Cell: _____

Kristi Kruger - Practice Manager, San Tan Animal Hospital - _____

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Donald P. Boucher

Date: 02/05/21

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

On 06/01/20, Dr. Makenzie Kurth, DVM, Medical Director & Veterinarian, failed to provide care for our severely injured dog in violation of Arizona Revised Statutes Title 13. Criminal Code § 13-2910 (A)(2): Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

Violations of the Arizona State Veterinary Medical Examining Board's Statutes and Administrative Rules.

Violations of the American Veterinary Medical Association's Principles of Veterinary Medical Ethics.

Please review the enclosed pet owner prepared documents and Maricopa County Sheriff's Office criminal investigation reports:

A (10) page criminal incident report and evidence items prepared by Donald P. Boucher, Detective, Los Angeles County Sheriff's Department (Retired) and submitted to the Maricopa County Sheriff's Office (MCSO) on 08/12/20.

Maricopa County Sheriff's Office Criminal Investigation Reports: IR20022770.
Reports dated: 08/12/20; 10/21/20; 10/27/20; 10/28/20; 11/10/20 and 12/01/20; and the 08/17/20 email to MCSO Detective Redman - Potential Evidence of Altered Document for Your QCVS Search Warrant.

Additional Notes:

On 12/01/20, at 1406 hrs., I received a call from MCSO Detective Mario Gioia, who advised the following: Based on his criminal investigation and statements made by Dr. Kurth, a misdemeanor animal cruelty charge, 13-2910 (A)(2) was being pursued for a criminal prosecution by the MCSO. He further advised that Dr. Kurth was issued a misdemeanor citation and assigned a San Tan Justice Court arraignment date of 01/26/21 at 0900 hrs.

Please contact MCSO Detective Mario Gioia, Serial # S1999 via cell: (623) 217-7220 or email: m_gioia@mcs.maricopa.gov for additional information. NOTE: Detective Gioia has identified that he will, on behalf of the MCSO, be presenting this case to the Arizona State Veterinary Medical Examining Board. This action would be based on a 10/21/20 consultation with, and recommendation from, MCSO contracted Veterinarian, Dr. B. Mangone. Please refer to Detective Gioia's enclosed 11/10/20 report.

On 01/06/21, at 1536 hrs., I telephoned the San Tan Justice Court, 602.372.3400, and spoke with Lucrece (NFD). In doing so, I obtained the following information for the Kurth court dates: Arraignment: 01/26/21 - 0900 Hrs. Pre-Trial Conference: 02/04/21 - 1300 Hrs.

On 01/06/21, at 1545 hrs., I telephoned the Maricopa County Attorney's Office, 602.506.0855, and spoke with Sue (NFD). In doing so, I learned that MCAO Attorney Jacob Lee was assigned to the Kurth case. I requested the Kurth court case number and Sue identified the case number as JC2020 145967001. I then asked Sue to have Attorney Jacob Lee call me on my cell.

On 01/06/21, at 1556 hrs., I telephoned the MCSO Records Department, 602.876.1000, and spoke with Stephanie (NFD). In doing so, I asked how I would obtain all MCSO criminal reports for IR20022770. In checking the records system, Stephanie advised that the reports were in a Validated Status on the MCSO Trac System and unavailable for release. She recommended I contact MCSO Major Crimes. Stephanie was very helpful and also provided me with the telephone number for the MCSO Victims' Rights Advocate Office - 602.876.8276.

On 01/06/21, at 1617 hrs., I telephoned the MCSO Victims' Rights Advocate Office and spoke with Kendria Murphy. I explained my circumstances and Ms. Murphy provided me with the following information - She had access to very little case information because there was no physical or actual arrest - Misdemeanor citation. She then emailed me a link to the AZ Attorney General's Office for a Victims Rights Complaint.

On 01/06/21, at 1652 hrs., I received a call from MCAO Attorney Jacob Lee. After completing our mutual introductions, we reviewed the details of the case; I identified our family's interest in pursuing justice via a criminal prosecution, and Mr. Lee presented a potential and likely plea deal that would be presented to Dr. Kurth and her attorney. In having shared information with Mr. Lee related to an altered internal QCVC document delivered to MCSO Detective Redman on 08/17/20, he shared with me the possibility of adding a criminal fraud charge to Dr. Kurth's animal cruelty charge. Mr. Lee advised me that Dr. Kurth had hired a *high-priced* attorney, that he personally knew her Attorney, and he identified him as a *reasonable man*.

On 01/13/21, at 1143 hrs., I received a call from Karen Sclarrotta who identified herself as a Supervising Attorney at the Maricopa County Attorney's Office (MCAO). She further advised she was a Supervisor for MCAO Attorney, Jacob Lee. Fairly quickly, Mrs. Sclarrotta delivered the message that after a further review of the case, MCAO had made the decision to not prosecute the case as filed by the MCSO. We had a lengthy discussion about my background as Detective with the Los Angeles County Sheriff's Department, my experience in understanding the elements of the crime filed, and my experience in having filed in excess of 1,000 criminal cases (est.) with the Los Angeles County District Attorney's Office, and in having testified as an Expert Witness in hundreds of criminal cases prosecuted in Los Angeles County municipal and superior courts. We reviewed the details and evidence of the Kurth case, including Kurth's statements to Detective Gioia, in a call that lasted 34 minutes and 3 seconds.

During this call, Mrs. Sciarrotta agreed to further review the (10) page Criminal Incident Report I had prepared on 08/12/20, and discuss the case again with her Supervisor. We agreed to reconnect in another call that afternoon.

On 01/13/21 at 1515 hrs., I missed Mrs. Sciarrotta's call to my cell phone. She left a message indicating I could telephone her office at 602.506.0855. I telephoned Mrs. Sciarrotta at 1608 hrs., and we spoke about the case details, the MCAO's position to not prosecute the case despite the preponderous of evidence as outlined in my (10) page report, Detective Gioia's criminal investigation, the MCSO investigative reports, the recommendation of the MCSO contracted Veterinarian (Dr. B. Mangone) and the statements made by Dr. Kurth to Detective Gioia during his 10/14/20 meeting.

We again revisited my experience and training as a criminal investigator filing misdemeanor and felony criminal cases with the Los Angeles County District Attorney's Office and testifying as a court recognized expert in various aspects of criminal investigations.

In having revisited the details of the case and my law enforcement experience, I shared my opinion that the misdemeanor case filed by the MCSO against Dr. Kurth was a "slam dunk" and should be prosecuted by her office to the fullest extent of the law. Mrs. Sciarrotta stated her office did not believe they could successfully prosecute the case.

Based on the definitive and incriminating details of the case and the conflicting information and positions shared by MCAO Attorneys Jacob Lee and Karen Sciarrotta, I formed the opinion that favoritism and selective prosecution was involved in the MCAO decision to not prosecute Dr. Kurth. Based on my experience and training, it is my opinion Dr. Kurth was not being prosecuted because of her position as a licensed Veterinarian, the legal and formal standing of her *high-priced* attorney, as identified by MCAO Attorney Jacob Lee, and the MCAO's lack of experience in trying an animal cruelty case where the identified Suspect was a licensed Veterinarian.

I vocalized my opinion, multiple times, of MCAO's engagement in a selective prosecution process in choosing to not move forward with a trial of Dr. Kurth case. Mrs. Sciarrotta discounted my opinion and restated the MCAO did not believe they could successfully try the case, which was what led to their decision. I advised Mrs. Sciarrotta; I would likely forward the case to the Arizona Attorney General's Office for a prosecutorial decision review, as well as an investigation of the MCAO's use of prosecutorial discretion in this case.

Mrs. Sciarrotta recommended I file a complaint with the Arizona State Veterinary Medical Examining Board (ASVMEB). I told her I planned to do so after obtaining the MCSO reports, and that Detective Gioia had informed me he would be filing a complaint on behalf on the MCSO. I then asked Mrs. Sciarrotta if her office might also forward the case to the Arizona State Veterinary Medical Examining Board. She told me she was unsure if the MCAO would do so and would communicate with her supervisor.

Mrs. Sciarrotta was very kind, patient and professional during this 1 hour, 12 minute and 46 second call to review and discuss the many details of this case and my concerns.

On 01/14/21, at 1235 hrs., the following email was received from MCAO Supervisory Attorney, Karen Sciarrotta:

From: Karen Sciarrotta <[REDACTED]>
Sent: Thursday, January 14, 2021 12:35 PM
To: Don Boucher <[REDACTED]>
Cc: Boucher, Sharon <[REDACTED]>
Subject: RE: Follow Up to Your Call and My Afternoon Availability

Good afternoon. I followed up with Det. Gioia this morning, by way of a phone call and an email. He indicated that MCSO plans to submit the case to the Arizona State Veterinary Medical Examining Board. Based on that information, I did not follow up with the DCA in my office to see if MCAO ever does the same. Thank you for your time yesterday. I appreciate your willingness to listen to me even though I was providing news you did not want to hear.

*Regards,
Karen*

On 02/01/21, at 0936 hrs., I telephoned the MCSO Records Department, 602.876.1000, and spoke with Amy (NFD). Amy confirmed the reports were available, she stated there were many pages and she confirmed I would, as the identified Victim, receive a free copy of the MCSO reports. At 1103 hrs., I left my home and drove to the MCSO Records Department, 201 West Jefferson St, Phoenix, AZ 85003, Superior Court, West Building, 3rd Floor to retrieve the (16) pages of MCSO reports included with this complaint form. I returned home directly and arrived at 1333 hrs.

On 02/01/21, at 1052 hrs., I called Detective Gioia to inquire as to the status of his complaint filing with the Arizona State Veterinary Medical Examining Board. He advised that he had been out injured, non-duty related, and had not yet submitted a complaint to the Arizona State Veterinary Medical Examining Board. He further advised he was back at work and would prepare and submit the complaint, NFD. I advised him I was heading out to the MCSO Records Department to retrieve the MCSO reports.

On 02/01/21, at 1426 hrs., I telephoned the Arizona State Veterinary Medical Examining Board and left a voicemail and call back request for Tracy Riendeau, C.V.T, Sr. Medical Investigator.

On 02/01/21 at 1430 hrs., I received a return call from Investigator Riendeau (602.686.5429). We had a conversation relating to the process and details of our criminal case, and I advised her I would be submitting a formal and documented complaint to her office. She provided an overview of their investigative process and provided me with her office telephone number and email address. Our call lasted 21 minutes and 20 seconds.

On 02/02/21, the following emails were sent to Detective Gioia and Investigator Riendeau:

From: Don Boucher
Sent: Tuesday, February 2, 2021 8:30 AM
To: [REDACTED]
Cc: Boucher, Sharon <[REDACTED]>; 'tracy.riendeau@vetboard.az.gov' <tracy.riendeau@vetboard.az.gov>
Subject: Contact Information for Senior Medical Investigator - Arizona State Veterinary Medical Examining Board - Tracy Riendeau, C.V.T - 01/14 Email from MCOA

Good Morning Detective Gioia:

I hope this email finds you and your family well and you comfortably managing your injury recovery.

In follow up to our call yesterday morning, I went to the MCSO Records Department and retrieved (16) pages of MCSO reports. I had anticipated a larger number of documents based on a telephone conversation with Records Clerk, Amy (NFD). In the afternoon, I telephoned the Arizona State Veterinary Medical Examining Board and was contacted by Tracy Riendeau, C.V.T, Senior Medical Investigator. We discussed the case at a summary level, and I advised her that you, on behalf of the MCSO, would be submitting a complaint package to her office. I told her I'd provide you with her contact information so you could connect with her directly and submit the MCSO case documents to her attention. Her information is provided below:

Tracy Riendeau, C.V.T, Senior Medical Investigator
Arizona State Veterinary Medical Examining Board
1740 W. Adams St., Suite 4600
Phoenix, Arizona 85007

Email: tracy.riendeau@vetboard.az.gov
Office: 602.542.8167
Business Cell: 602.686.5429

Additionally, I wanted to provide you with a copy of the 01/14 email I received from MCAO Supervising Attorney, Karen Sciarrotta, who recommended I personally file a complaint with the Arizona State Veterinary Medical Examining Board against Dr. Makenzie Kurth DVM.

From: Karen Sciarrotta <[REDACTED]>
Sent: Thursday, January 14, 2021 12:35 PM
To: Don Boucher <[REDACTED]>
Cc: Boucher, Sharon <[REDACTED]>
Subject: RE: Follow Up to Your Call and My Afternoon Availability

Good afternoon. I followed up with Det. Gioia this morning, by way of a phone call and an email. He indicated that MCSO plans to submit the case to the Arizona State Veterinary Medical

Examining Board. Based on that information, I did not follow up with the DCA in my office to see if MCAO ever does the same. Thank you for your time yesterday. I appreciate your willingness to listen to me even though I was providing news you did not want to hear.

*Regards,
Karen*

Thank you, again, for your kindness and professionalism in addressing and pursuing our animal cruelty case against Dr. Kurth. Should you have questions or require anything from me, please call or email me at your convenience.

From: Don Boucher

Sent: Tuesday, February 2, 2021 8:48 AM

To: 'tracy.riendeau@vetboard.az.gov' <tracy.riendeau@vetboard.az.gov>

Cc: Boucher, Sharon <[REDACTED]>; [REDACTED]
<[REDACTED]>

Subject: Follow Up to Our Monday Afternoon Call - Our Arizona State Veterinary Medical Examining Board Complaint Submission Processing

Good Morning Investigator Riendeau:

I hope this email finds you and your family well and all enjoying a great week!

Thank you for returning my call yesterday afternoon and for the time you made available to speak with me. Earlier, I copied you on an email to MCSO Detective Gioia to facilitate the inter-agency communication. He now has your contact information and I would expect that he'll reach out to you in a call or email.

I am in the process of preparing our Arizona State Veterinary Medical Examining Board complaint filing package and I expect to deliver the information via a FedEx overnight delivery in the next 72 hours. I also anticipate sending you a secure email with a PDF document delivery of the information.

Should you have questions or require additional information, please call my cell at 602.510.5285 or email me. I'll look forward to communicating with you through the complaint submission and investigation process. Thank you, again.

Friday, 02/05/21

This complaint is respectfully submitted for a comprehensive investigation and specialized review by the Arizona State Veterinary Medical Examining Board for all applicable violations of the ASVMEB's Statutes and Administrative Rules and American Veterinary Medical Association's Principles of Veterinary Medical Ethics.

We anticipate the Board will strongly recognize Dr. Kurth's abhorrent approach to intentionally, knowingly, and recklessly failing to provide the medical attention necessary to prevent our beloved dog's, Bandit's, protracted suffering while he was in her immediate custody and control. Additionally, we anticipate the Board will find her failure to notify our family of Bandit's severe health condition, and failure to directly transport him to the San Tan Animal Hospital for immediate care and treatment to be unconscionable. As such, we expect Dr. Kurth to be severely, but appropriately, disciplined.

I extend our family's sincere appreciation for the Board's diligent efforts and professional consideration in pursuing a high level of moral and ethical justice in this matter, as well as ensuring Dr. Kurth's strict adherence to the ASVMEB's Statutes and Administrative Rules and the AVMA's Principles of Veterinary Medical Ethics, to prevent another family from having to experience this type of situation with her in the future.

Best regards,

A handwritten signature in black ink that reads "Donald P. Boucher". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Donald P. Boucher

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Crime Classifications

Crime Classification 1 – Class 1 Misdemeanor

- 13-2910 (A)(4) – Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

Crime Classification 2 – Class 6 Felony

- 13-2910 (A)(8) – Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.

Crime Classification 3 – Class 5 Felony

- 13-2910 (A)(14) – Intentionally or knowingly subjects a domestic animal to cruel mistreatment.

Date/Time/Location of Occurrence

- Between: 05/30/2020 - 1020 hrs. and 06/01/2020 – 1315 hrs.
- Queen Creek Veterinary Clinic – 20201 E Ocotillo Rd, Queen Creek, AZ 85142

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

Code	Last Name	First Name	DOB	Age	Sex
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V: 1 of 1:	Boucher,	Bandit	11/14/2004	15	Male Rat Terrier
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R: 1 of 2:	Boucher,	Donald P.	07/02/1960	59	Male (Owner of V 1)
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Home Address: Confidential – Retired Detective – Los Angeles County Sheriff's Department

Business Address: [REDACTED]

Cell: [REDACTED] Business: [REDACTED]

R: 2 of 2:	Boucher,	Sharon E.	06/18/1965	54	Female (Owner of V 1)
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Home Address: Confidential – Spouse of Retired Detective – Los Angeles County Sheriff's Department

Business Address: [REDACTED]

Cell: [REDACTED] Business: [REDACTED]

W: 1 of 1:	Kruger,	Kristi	Unknown	Unknown	Female
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Home Address: Unknown

Business Address: Practice Manager – San Tan Animal Hospital – 21321 E Ocotillo Rd Ste 119, Queen Creek, AZ 85142

Office: 480.656.8922

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

Code	Last Name	First Name	DOB	Age	Sex
S: 1 of ?:	Kurth,	Makenzie	Unknown	Unknown	Female

Home Address: Unknown

Business Address: Doctor of Veterinary Medicine – Queen Creek Veterinary Clinic – 20201 E Ocotillo Rd,
Queen Creek, AZ 85142

Office: 480.987.8000

S: 2 of ?:	Unknown,	Jen	Unknown	Unknown	Female
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Home Address: Unknown

Business Address: Client Services Employee – Queen Creek Veterinary Clinic – 20201 E Ocotillo Rd, Queen
Creek, AZ 85142

Office: 480.987.8000

S: 3 of ?:	Unknown,	Unknown	Unknown	Unknown	Unknown
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Evidence Items

Evidence 1 of 8: Copy of San Tan Animal Hospital Invoice for 04/03/2020 for Medical Exam of Bandit (V1).

Evidence 2 of 8: Queen Creek Veterinary Clinic – May 30, 2020 – Bandit's boarding registration – 3 pages.

Evidence 3 of 8: Queen Creek Veterinary Clinic – June 1, 2020 – Bandit's boarding invoice and All About My
Stay – 2 pages.

Evidence 4 of 8: Queen Creek Veterinary Clinic – June 1, 2020 – Bandit's services invoice – x-rays, medication
consultation, euthanasia and cremation – 3 pages.

Evidence 5 of 8: Photo of Bandit (V1). Photo taken on June 5, 2019 at the home of the RPs 1 & 2.

Evidence 6 of 8: Photo of Bandit (V1). Photo taken on June 1, 2020 at the Queen Creek Veterinary Clinic.

Evidence 7 of 8: Copy of June 5, 2020 email received from Stephanie Salinas, Hospital Manager, QCVC.

Evidence 8 of 8: Copy of sympathy card received from Dr. Sunderman and signed by employees of the San Tan
Valley Animal Hospital.

Criminal Incident Report Narrative

Pre-Incident Information

On April 3, 2020, at 1330 hrs., the Victim, Bandit, a 15-year-old Rat Terrier owned by Donald and Sharon Boucher, Reporting Parties 1 and 2, underwent a wellness examination by Veterinary Doctor Carin Sunderman prior to authorizing an allergy prescription for the Victim. Upon conclusion of the examination, Dr. Sunderman telephoned Sharon Boucher (RP2) and provided an overview of the Victim's examination and health status. She stated, "Bandit's in remarkable shape for his age. You've done a great job of caring for him, and I'd guess you'll get another couple good years with him (V1). There are no guarantees, but he's in great shape."

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Criminal Incident Information

On Saturday, May 30, 2020, at 1020 hrs., Donald and Sharon (R 1 & 2) arrived at the Queen Creek Veterinary Clinic to board their bright eyed, very healthy and fully mobile dog, Bandit, for three days and two nights with a scheduled pickup on Monday afternoon, June 1, 2020.

Upon check-in, a request was made to have Bandit's nails clipped during his stay. Additionally, Donald selected the option to have photos of Bandit sent to Sharon's cell phone during the three-day boarding stay. No photos were received from the facility during this three-day period.

Bandit has been a regular boarder at the Queen Creek Veterinary Clinic (QCVC) since late 2008 / early 2009, but has consistently received veterinary care at other providers. Each time he has been boarded at this facility, Donald or Sharon have noted on his registration documents, "No medical services without prior approval from Donald or Sharon." Based on the personal experiences of family and friends, Donald and Sharon believe many unethical veterinarians' prey on the emotions of pet owners by providing expensive services for the primary purpose of generating revenue at the pet owner's personal expense. In the many years Bandit has been boarded at this location, he was well cared for and there were no incidents requiring an emergency call to Donald, Sharon, or their daughter, Stephanie Kohlmeier-Quackenbush, an additionally listed emergency contact person.

In 2019, Donald and Sharon noted there had been a change in the QCVC business ownership, new Veterinary Doctor(s), a seemingly high turnover of employees, changes to the registration process and paperwork, increased service hours, and increased boarding service prices.

Between the dates of Bandit's boarding, May 30th and June 1st, Donald and Sharon were visiting with two dear friends and their three teenage children from Southern California, at a rented VRBO home in Prescott, AZ. During this three-day period neither of the Reporting Parties (Donald and Sharon) received any communications (calls, texts or emails) from the Queen Creek Veterinary Clinic to alert them of any issues with Bandit. Donald's and Sharon's friends are law-enforcement officers from two agencies in Southern California. She's a retired Captain, and he is an active Patrol and SWAT officer. Both can confirm neither received or referenced receiving any communications from the Queen Creek Veterinary Clinic regarding their dog, Bandit.

On Monday, June 1, 2020, at 1227 hrs., Sharon telephoned the Queen Creek Veterinary Clinic via her cell phone to advise their office that she and Donald were en-route to the clinic to pick up Bandit. This was a routine pre-arrival notification that Sharon and Donald provided. The office telephone was answered by Jen (Suspect 2). Sharon advised Jen that they would arrive in approximately 45 minutes and requested that Bandit and his paperwork be ready for pickup and processing. Jen acknowledged the request and simply stated, "No problem; we'll have him ready for you."

Upon arriving at the QCVC, approximately 1315 hrs., Donald and Sharon were greeted by an unknown female employee who initiated the checkout process. Sharon asked the female if Bandit's nails had been trimmed during his stay. She stated they had been, and she would go get Jen (S/2). Jen came out from the boarding area carrying Bandit's bedding and food. As she handed over the items, she then stated, "I'm going to go check on Bandit and make sure his nails were clipped short because I know you like them short."

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Sharon and Donald thought Jen's statement was odd because neither had ever requested Bandit's nails be clipped any shorter than usual. Approximately 15 minutes later, Jen reappeared in the lobby and told Donald and Sharon that she needed to speak with them about Bandit. She then asked that they step into one of the examination rooms.

Upon entering the examination room, Jen stated, "There's a little problem with Bandit. This morning, he had a little trouble standing up. He was fine on Saturday, but we noticed he was having trouble this morning. We called over to the San Tan Animal Hospital and requested his records, but they didn't send them." Donald then asked what time they had noticed Bandit's condition and when they had called the San Tan Animal Hospital. Jen replied, "When we opened this morning around 9:00, and we called San Tan around 10:00." Donald asked why he, Sharon, or their daughter, Stephanie, were not called and notified of Bandit's condition. Jen replied, "We were waiting for Bandit's records from San Tan." Donald was notably concerned about Bandit and irritated with the circumstances. He asked Jen, "Why didn't you tell Sharon when she spoke with you at 12:30 and why didn't you tell us when we first arrived? Why didn't anyone call us, it's now 1:30!" Jen stated, "We were waiting for his records from San Tan, but they didn't send them."

Donald and Sharon were extremely confused, frustrated and concerned about Bandit. They asked where Bandit was and demanded he be brought to them. Jen said he was being looked at by the vet, and she would have Bandit brought in to us. Then, she exited the rear door of the exam room. Several minutes later, she reappeared, opening the rear exam room door. She was followed by an unknown female employee carrying Bandit, who was wrapped in a blanket. Bandit was shaking uncontrollably and appeared to be in extreme pain. His physical being appeared confused and distant, likely in a state of shock, and he did not seem to recognize or respond to the presence of his owners, Donald and Sharon. Donald has owned and cared for Bandit since he was an 8-week-old puppy, while Sharon has been Bandit's primary caregiver since he was 2 ½ years old.

Donald and Sharon were extremely emotional and crying at the physical condition and appearance of their beloved pet. Donald took Bandit from the unidentified female employee, unwrapped him from the blanket and attempted to assist him in standing on the floor. Bandit's hind quarters were snail-curved under, and his two back paws were lifelessly drooping. He was unable to control his lower half, thereby unable to stand on all fours. Donald attempted to provide support at Bandit's hind quarters, but it was obvious he was unable to move.

With Sharon's assistance, Donald placed Bandit on the exam room table, and together, they wrapped him in the blanket. Donald asked Jen why they had not been notified of Bandit's condition when he was found at 9:00 am. Jen did not respond. Donald, who was notably angry, asked, "Have you let our dog suffer like this since 9:00 this morning?" Jen replied, "He's been fine." Donald asked to have the Veterinarian come speak with them. Jen left the room and returned several minutes later with Dr. Kurth.

Dr. Kurth (Suspect 1) entered the exam room with a notably nervous and forced smile on her face, and stated, "How can I help you?" Donald responded, "You can tell us what happened to our dog. Something's happened to him. Somehow, he's been hurt or someone injured him, and we're not getting the straight story. He looks like he's been dropped." She responded, "No one's hurt your dog. He's like a thousand years old, and this kind of thing happens sometimes. I've checked with the staff and nothing happened to him. He was like this when we got here this morning. Donald asked why no one from her office had called to explain the

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

circumstances and obtain approval to treat him for pain. Dr. Kurth replied, "We were waiting for records from the San Tan Animal Hospital." Donald stated, "That makes no sense. You let our little boy suffer since 9:00 this morning. You could have called us, explained the circumstances and gained our approval to treat him for pain?" Dr. Kurth replied, "Yes, I'm sorry, we should have called you." Donald stated, "Our little boy has suffered since 9:00 this morning, or earlier, you didn't call us, you didn't treat him for pain, and all you have to say is, 'you're sorry? I know you're not telling us the truth.'"

Dr. Kurth replied, "I've checked him out, and if you'd like, we can give him a steroid shot, and you can take him home to see if he gets better in a couple of weeks or a month and decide what to do at that point." Sharon responded, "You're kidding, right? He can't move. How can we take him home like this? You're acting like nothing's wrong with him, and clearly, he's significantly injured." At that point, Donald and Sharon pointed out that Bandit's right rear haunch seemed out of place. Dr. Kurth stated, "He's fine, but if you want, I'll take an x-ray." Sharon stated, "He's not fine. I pet his entire body daily and bath him regularly, he's not fine, something's wrong! He's in extreme pain and shaking uncontrollably. While we're dealing with this, he needs something to relieve his pain." Dr. Kurth acknowledged Bandit's extreme level of pain and said she would give him pain medication prior to taking x-rays.

Donald picked up Bandit from the examination table and handed him to Jen. Jen and Dr. Kurth then exited the exam room through the rear door. Approximately fifteen minutes passed when a small statured veterinary tech, who seemed to be struggling with the 25 pounds of Bandit's weight, brought him back into the room and placed him on the table. The medication appeared to have taken effect as Bandit seemed sedated but was rhythmically whining in continued pain. Approximately five minutes later, Dr. Kurth returned to the room with the x-rays in hand, and excitedly and nervously chirped, "Well, the good news is that there's no signs of cancer and nothing's broken. He's got no signs of disease which is great."

Donald and Sharon looked at her with complete astonishment as she seemed to purposely sidestep the reality of Bandit's immediate and grave health circumstances. She then stated, "It's your decision, we can treat him with steroids to see if that might work, but there's no guarantee there'll be any improvement in his condition. He's a very old man." She further stated she would provide pain medication to manage his comfort over the next month, but the decision was Donald's and Sharon's.

It was gravely apparent to Donald and Sharon that Bandit's condition was irreversible, so in lieu of allowing Bandit to suffer for weeks and hold onto an unwarranted hope of his return to being the active, mobile, happy, healthy animal he had been 3 days prior, they made the excruciating decision to have Dr. Kurth euthanize him.

Dr. Kurth completed this process while Donald and Sharon held and softly spoke their goodbyes to their beloved Bandit-Boy. Jen remained in the exam room during this process, and then, consulted with Donald and Sharon on their cremation options. Upon completing the documents for cremation, Jen left the exam room to contact the cremation facility. When she returned, she advised that Bandit's body would be retrieved from their veterinary office on Tuesday, June 2nd and returned for their pickup on Friday, June 5th. Donald and Sharon advised Jen they would call to schedule a Friday appointment to meet with Jen and pickup Bandit's ashes. They left the Queen Creek Veterinary Clinic at 1527 hrs. in complete shock and in unbearable emotional distress over all that had transpired and concluded in the loss of their Little-Man, Bandit-Boy.

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Based on Donald's experience in having conducted thousands of law enforcement interviews with victims, suspects and witness, he believed Dr. Kurth's visible state of nervousness, her notably distressed demeanor, vocal cadence when responding to his questions, the absurdity of her statements in associating the severity of Bandit's injuries to his age, when he had arrived three days early as a happy, healthy and mobile animal along with the seemingly bizarre health statements she made after completing a review of Bandit's x-rays, he formed the opinion that Dr. Kurth had been untruthful as to the cause of Bandit's injuries and was attempting to knowingly avoid and willfully conceal her personal, professional and criminal liability for the injuries, cruelty, mistreatment and subsequent euthanasia of the pet left in her care and that of the Queen Creek Veterinary Clinic.

Donald is a highly decorated Detective who was medically retired in his 14th year on the job due to in-service cervical and lumbar injuries. Donald worked Patrol at Lennox (South Central Los Angeles), West Hollywood and Antelope Valley Stations, was a Field Training Officer, a Station Gang Investigator, a Narcotic's Detective, a member of the Sheriff's Tactical Response Force and a member of the Marijuana Eradication Team. Donald has testified as an expert witness in the field of criminal investigations in Los Angeles County and Ventura County Municipal and Superior Courts.

On Tuesday, June 2nd, in review of the Queen Creek Veterinary Clinic events, Donald asked Sharon, who solely managed Bandit's veterinary appointments, to call the San Tan Animal Hospital and see if she could gather information valuable to their understanding of what had transpired between the Queen Creek Veterinary Clinic and the San Tan Animal Hospital telephone communications.

On Thursday, June 4th at 1554 hrs., Sharon telephoned the San Tan Animal Hospital to make an initial inquiry as to the Queen Creek Veterinary Clinic's reported request for records on Monday, June 1st. The receptionist, believed to be a female named Melissa, stated there was no such request in their system. Sharon asked the receptionist if she was sure no request had been made for Bandit's records. The receptionist asked Sharon to hold, and the call was then picked up by Kristi (Witness 1), the San Tan Animal Hospital's Practice Manager. Kristi was later identified by Donald via a social media search as Kristi Kruger.

During this call, Sharon identified herself as the owner of Bandit and told Kristi she was seeking information that might be valuable to her understanding of what had occurred in a Monday morning, June 1st telephone communication between the Queen Creek Veterinary Clinic and her office.

Kristi told Sharon she was the individual who answered the call from the Queen Creek Veterinary Clinic around 9:00 am on Monday, June 1st. She further stated, "Something wasn't right about the phone call. The female caller sounded nervous, and stated, 'We have one of your patient's boarding with us, and he's in bad shape. We haven't treated him because you haven't sent us his records, and we don't have time to treat him. Can we bring him to you?'" Kristi told the caller, "You didn't request his records, and if he's in that bad of condition, bring him to us." Kristi told Sharon that Bandit was not transported to their office, and there was no further communication from the Queen Creek Veterinary Clinic.

Sharon told Kristi that she and Donald were evaluating the filing of a police report for animal cruelty charges.

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Kristi stated, "Our office doesn't usually speak against other veterinary clinics, but if they're negligent, they should be held accountable." Kristi further stated, "She didn't understand why as a veterinary clinic, the Veterinary Doctor wasn't already treating Bandit. When someone selects a veterinary clinic to board their pet, the clinic should be held accountable if something happens or if their pet needs medical treatment, and it's not provided. At our hospital, we believe honesty is the best policy, because sometimes, things happen." She then gave this example, "If a dog got hit by a car in front of their office, we would treat that dog, regardless of having records, if it was experiencing pain because it would be cruel not to."

During this call, Kristi said she was willing to be of assistance in any way she could but was leaving for vacation on June 6th and would not be back in the office until Monday, June 15th. Sharon thanked Kristi for the information and told her that she might be in contact at a later date with additional questions. Sharon's call with Kristi concluded at 1613 hrs.

On Friday, June 5th, Donald and Sharon arrived at the Queen Creek Veterinary Clinic at 1421 hrs. to meet with Jen, retrieve Bandit's ashes and engage Jen in a discussion about the events surrounding Bandit's injuries while boarded at the clinic and leading to his subsequent euthanasia. Upon arriving at the clinic, Jen met with Donald and Sharon at the receptionist desk and asked them to step into the exam room to which all of Monday's events and communication had taken place.

After receiving the box containing Bandit's ashes, Donald told Jen, he and Sharon were confused about some of the details surrounding Bandit's boarding and asked why they were not notified of his injuries and condition when they found him in that state at 9:00 am. Jen replied, "Well, we were waiting for the records from the San Tan Animal Hospital." Donald then asked, who made the call for records to the San Tan Animal Hospital. She replied, "I did."

Donald then asked Jen when Bandit had his nails clipped. Jen replied, "His nails were clipped on Sunday by one of the weekend veterinary technicians." Donald stated, "On Monday afternoon, you told us Bandit was fine on Saturday, but that he was found in his injured condition on Monday at 9:00." He then asked if Bandit had been injured on Sunday during his nail clipping. Jen replied, "No he was fine until Monday morning." Donald and Sharon told Jen they were aware Bandit would often get very wiggly when someone picked him up, and very likely, while he was getting his nails clipped. Donald asked Jen if she knew if Bandit had been dropped by a veterinary technician or had fallen off an exam table on Sunday. Jen replied, "No I didn't even know he was injured until you came to pick him up."

It was at this time, Donald told Jen that Sharon had spoken with the Practice Manager at the San Tan Animal Hospital on Thursday afternoon, and she had learned that the person who called the San Tan Animal Hospital on Monday morning stated, ***"We have one of your patient's boarding with us, and he's in bad shape. We haven't treated him because you haven't sent us his records, and we don't have time to treat him. Can we bring him to you?"***

In having realized she had, only moments before, identified herself as the Monday morning caller to the San Tan Animal Hospital, Jen immediately became flushed in her face, neck and upper chest. Her face appeared distressed and the pitch of her voice changed immediately. She appeared to have realized that she had been caught being untruthful in the information she had conveyed to Donald and Sharon.

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Donald then told Jen, "We've trusted you for a longtime with our Bandit-Boy, and you've always been nice to us, but based on the severity of Bandit's injuries, the statements and actions of Dr. Kurth, you (Jen), the information received from the San Tan Animal Practice Manager, and the fact no one in the office called to notify us of Bandit's serious condition, we believe he was likely injured on Sunday, perhaps while having his nails clipped by the weekend technician and that you, Dr. Kurth and an unknown employee (s) concealed the reporting of his injuries and willfully, purposely and neglectfully made the decision to not treat him. Even when the opportunity was made available to transport Bandit to the San Tan Animal Hospital, you and Dr. Kurth chose not to do so in an attempt to intentionally conceal and prevent the discovery of the willful acts of misdemeanor and felony animal cruelty."

While Jen still appeared to be reeling and distraught from having been caught in her earlier lies, Donald offered her the opportunity to be forthright and provide details that would deliver clarity in how Bandit, a healthy, active and mobile animal on May 30th, arrived at the June 1st position of having sustained serious, immobilizing and life threatening injuries leading to his being euthanized. Jen replied, "I didn't know anything about Bandit's injuries until you arrived. He had been fine."

Donald then told Jen, he was going to pursue misdemeanor and felony animal cruelty charges against her, Dr. Kurth and any other employees involved in the injuries, neglect, failure to provide medical attention, and deliberate mistreatment and sustained cruelty that had been inflicted upon his beloved pet. In closing, Donald asked Jen to share this information with Dr. Kurth and to tell her he was open to meeting with her if she would be truthful. Jen said she would convey the message.

Donald and Sharon departed the Queen Creek Veterinary Clinic at 1436 hrs. and returned home to safely secure Bandit's crematory ashes.

On Friday, June 5th at 1637 hrs., Sharon received the following email (Evidence Item 7):

Stephanie Salinas <[REDACTED]> Fri, Jun 5, 2020 at 4:37 PM

To: [REDACTED]

Mr and Mrs Boucher,

First and foremost, I want to express my sincere condolences on the loss of Bandit. I understand how difficult it is to lose a beloved pet.

It was brought to my attention that you came by earlier and had a meeting with one of our receptionists, Jennifer. She stated that during that conversation it was brought up that you feel Bandit received subpar care within our facility and that you felt both she and Dr. Kurth should be held liable for his condition when you came to pick him up. We pride ourselves on treating all patients as if they are our own, and Bandit was no exception to that. I want to assure you that I am looking into the details of his case but do ask that you direct any other questions or comments to me directly.

So that I can best answer your family's concerns, I am reaching out to find out what your questions are from his stay and how you feel they can be best resolved. My goal is to have open discussions with you as I recognize how difficult this time is for your family and want you to know that he received proper care at our hospital.

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Respectfully,

Stephanie Salinas
Hospital Manager
Queen Creek Veterinary Clinic
20201 E Ocotillo Rd
Queen Creek, AZ 85142
p-480-987-8000

Neither Sharon or Donald responded to the email delivered by Stephanie Salinas. Additionally, no further contact was received from Ms. Salinas regarding her investigation into the details surrounding Bandit's injuries, Dr. Kurth's and Jen's failure to notify the pet owners, Jen's disturbing and defining call to the San Tan Animal Hospital, Dr. Kurth's willful and neglectful decision to not treat Bandit when or after she became aware of his injuries, or the Queen Creek Veterinary Clinic's failure to deliver Bandit to the San Tan Animal Hospital, a veterinary facility who requested he be transported to their facility for immediate treatment and care.

On June 26th, at 1239 hrs., Donald telephoned Witness Kristi Kruger at the San Tan Animal Hospital. During this call, Donald introduced himself as the husband of Sharon Boucher, the owner of Bandit and as a retired Detective from the Los Angeles County Sheriff's Department. Donald advised Kristi that he wanted to confirm the information she had provided to Sharon on June 4th, explained that he would be writing a criminal incident report, seeking a Maricopa County Sheriff's criminal report, a criminal investigation and prosecution for misdemeanor and felony animal cruelty charges should law enforcement officials identify sufficient evidence. Kristi confirmed the information she had provided to Sharon, and when asked if she would be willing to speak with law enforcement officers, should there be a criminal investigation, she stated she would absolutely make herself available and restated her belief that the negligent acts of the Queen Creek Veterinary Clinic's Doctor and employees should be investigated and prosecuted. Donald's call with Kristi concluded at 1248 hrs.

Donald and Sharon are desirous of a thorough criminal investigation and prosecution of Dr. Kurth (Suspect 1), Jen (Suspect 2) and any and all other parties (Suspect 3) identified for the following misdemeanor and felony animal cruelty charges, and/or criminal charges identified by the Maricopa County's District Attorney's Office:

Crime Classification 1 – Class 1 Misdemeanor

- 13-2910 (A)(4) – Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

Crime Classification 2 – Class 6 Felony

- 13-2910 (A)(8) – Intentionally or knowingly subjects any animal under the person's custody or control to cruel neglect or abandonment that results in serious physical injury to the animal.

Crime Classification 3 – Class 5 Felony

- 13-2910 (A)(14) – Intentionally or knowingly subjects a domestic animal to cruel mistreatment.

Criminal Incident Report

Donald P. Boucher, Detective, Retired, Los Angeles County Sheriff's Department

Donald and Sharon have been managing extreme personal pain and an ongoing levels of intense sorrow since the June 1st euthanasian of their beloved 15 ½ year old Rat Terrier, Bandit. As of this date, August 12, 2020, they have been unable to remove Bandit's sleeping crate, bedding and toys from their living room or his feeding and watering bowls from their kitchen floor.

Based on Donald's experience in writing thousands of police reports and hundreds of search warrants documenting criminal activity, he knew the details of the events and communications outlined in this criminal incident report would only be fully and accurately presented if he personally prepared the report. His ability to do so was hampered by his personal pain and sorrow and led to the delay in his completion of this document.

This document was prepared, completed and signed on August 12, 2020 by:

Donald P. Boucher, Detective (Retired)
Los Angeles County Sheriff's Department





Sharon Boucher <seboucher10@gmail.com>

Bandit

1 message

Stephanie Salinas <[REDACTED]>

Fri, Jun 5, 2020 at 4:37 PM

To: [REDACTED]

Mr and Mrs Boucher,

First and foremost, I want to express my sincere condolences on the loss of Bandit. I understand how difficult it is to lose a beloved pet.

It was brought to my attention that you came by earlier and had a meeting with one of our receptionists, Jennifer. She stated that during that conversation it was brought up that you feel Bandit received subpar care within our facility and that you felt both she and Dr. Kurth should be held liable for his condition when you came to pick him up. We pride ourselves on treating all patients as if they are our own, and Bandit was no exception to that. I want to assure you that I am looking into the details of his case but do ask that you direct any other questions or comments to me directly.

So that I can best answer your family's concerns, I am reaching out to find out what your questions are from his stay and how you feel they can be best resolved. My goal is to have open discussions with you as I recognize how difficult this time is for your family and want you to know that he received proper care at our hospital.

Respectfully,

--

Stephanie Salinas
Hospital Manager
Queen Creek Veterinary Clinic
20201 E Ocotillo Rd
Queen Creek, AZ 85142
p-480-987-8000
Like us on FACEBOOK!

Phil's

Alexi

Paula

Beth

Heather

Mi

Ayla

Jimmy

Sandra

Daphne

Kirsten

Becky

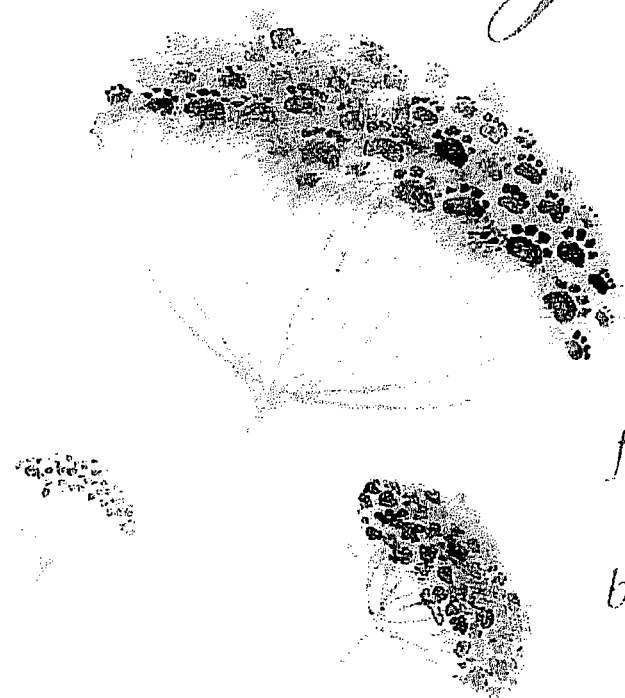
Melissa

**The unconditional love
of a pet is one of life's
most precious treasures.**

My sincere heartfelt sympathy
for the loss of sweet Bandit.
I know he is missed! Find
peace knowing you gave him
a great life - it's those years
that matter most.

♡ Dr. Sunderman

We are so
sorry



for the loss
of your
beloved pet.



Maricopa County Sheriff's Office

Paul Penzone, Sheriff



INCIDENT REPORT

EVENT	Reported Date:	8/12/2020	Reported Time:	16:51	IR #:	IR20022770	Original/Supp?	ORIGINAL	Hand Written?	<input type="checkbox"/> Yes	Info Only	<input type="checkbox"/> Yes	Access Level:	Open	Case Status:	Open	MC (Event) #:	MC20158348
	Serial #:	S2137	Last Name: LAFLAM, S						Shift Supervisor: S1628				Name: GLENN, T					
	Body Camera Activated?	Yes	Reason not Active:															
	Break in Video?	Yes	Reason for break: restroom															
INCIDENT	Radio Code:						930C ANIMAL CRUELTY		From Date: 5/30/2020		From Time:		9-1-1 Tape Requested:					
									To Date:		To Time:							
	Location:						20201 E OCOTILLO RD		City:		QUEEN CREEK		ZIP:		85142		The number of Additional MCSO Personnel On Scene: 0	
	Is this IR related to others?						NO											

SYNOPSIS

On 08/12/2020 at approximately 1651 hours, Donald Boucher reported his dog was neglected/abused while boarded from 05/30/2020 to 06/01/2020 at the Queen Creek Veterinarian Clinic located at 20201 E Ocotillo Road in Queen Creek Arizona within Maricopa County.

PERSON	ID:	1	Type:	VICTIM	Name Type:	Individual	VR Form & Pamphlet Given? YES Reason NOT Given:											
							VR_PamphletDeliveryMethod: IN PERSON											
	Name - Last:				First:				Middle:		Suffix:	DL/ID #:	St.:	Status:				
	BOUCHER				DONALD				PETER					VALID				
	Home	Street Nbr.	Dir:	Street Name	Suffix:	Dir:	Unit/Apt	City:	State:	ZIP:								
	Cell Phone:				Home Phone:				Email Address:									
	Race:				Sex:	Ethnicity:				SSN:	DOB:	Age Range:		Juvenile:				
	WHITE				M	NOT HISPANIC OR LATINO						From: To:		No				
	Resident of Jurisdiction?		Height Range:		Weight Range:				Hair:		Eye Color:							
	NO		From: 510 To: 510		From: 195 To: 195				BROWN - BRO		HAZEL - HAZ							
	Was consent to search the Person requested?				Consent Given?				Person Search Conducted?									
	No								No									
	Search Options:																	
Was this an Investigatory Detention?				Arrested?				ARS:				Type:						
No				No														
Work	Work Business Name:										Work Phone:							
	Street Nbr.	Dir:	Street Name:				Suffix:	Dir:	Unit/Apt	City:	State:	ZIP:						
FBI#:				SID:				BK#:				Scanned Address:						

PERSON	ID:	Type:		Name Type:	VR Form & Pamphlet Given?		Reason NOT Given:			
	1	SUSPECT		True Unknown	VR_PamphletDeliveryMethod:					
	Name - Last:			First:		Middle:	Suffix:	DL/ID #:	St.:	Status:
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:
	Cell Phone:		Home Phone:		Email Address:					
	Race:			Sex:	Ethnicity:		SSN:	DOB:	Age Range:	Juvenile:
									From:	To:
										Unknown
	Resident of Jurisdiction?		Height Range:		Weight Range:		Hair:		Eye Color:	
			From: To:		From: To:					
Was consent to search the Person requested?				Consent Given?		Person Search Conducted?				
Search Options:										
Was this an Investigatory Detention?				Arrested?		ARS:		Type:		
Work	Work Business Name:						Work Phone:			
	Street Nbr.	Dir.	Street Name:	Suffix:	Dir.	Unit/Apt	City:	State:	ZIP:	
	FBI#:		SID:		BK#:		Scanned Address:			

NARRATIVE

On 08/12/2020 at approximately 1653 hours, I was dispatched to contact a Donald Boucher who was at the District 6 substation in reference to a possible animal cruelty report. Prior to arrival, MCSO Communications advised the complainant, Donald Boucher is a retired Detective from LA and has a 10-page report of an animal cruelty of his dog.

Upon arrival, I met with Donald who was standing in the District 6 substation lobby. Donald provided me with a packet of papers and when asked to explain what was going on, he stated to read his report it would be easier then explaining it. Donald then provided me with a 10 page "Criminal incident report".

I read the report Donald provided and it stated the following in summary.

The report stated that Donald owns a 15 year old Rat Terrier dog. On 05/30/2020 Donald arranged for the Queen Creek Veterinarian Clinic to board the dog until 06/01/2020 and also complete a nail trimming. Donald and his wife dropped the dog off on 05/30/2020 and arrived at the Vet on 06/01/2020 at approximately 1315 hours to pick up the dog as scheduled. While waiting to complete the check out process Donald was asked to the back to discuss something by an employee named Jen with the dog. Donald was advised by the employee that they observed the dog's health had declined this morning at approximately 0900 hours. The employee told Donald that they contacted San Tan Animal Hospital to obtain the medical records for the dog. Donald stated his dog appeared to be in severe pain and could not stand on its hind legs. The Vet, Dr Kurth then entered the room and told Donald that none of the employees hurt your dog and when they arrived this morning, they saw the dog was like this. Dr. Kurth then told Donald that they were awaiting the medical records from San Tan Animal Hospital prior to calling Donald, but then apologized and stated they should have called him as well. Donald stated that Dr. Kurth acknowledged the dog's extreme pain and would give the dog medication and do X-rays. Dr. Kurth came back into the room a short time later and stated the X-rays showed nothing broken or no signs of cancer. Donald then wrote in the report that he believed the condition of the dog was irreversible and him and his wife made the decision to euthanize the dog the same day.

Donald stated throughout the narrative that he felt the employees were not being truthful about what had happened. Further, Donald stated they had their dog checked at the San Tan Animal Hospital on 04/2/2020 and they advised him the dog was in good health.

Reference the attached "Criminal Incident Report" for the completed narrative.

Donald stated that due to the staff knowing about the dogs health at approximately 0900 hours and not providing any medical attention until 1315 hours after he arrived, he believes the staff committed ARS 13-2910(A)2 Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

It should be noted, Donald completed a boarding information sheet prior to dropping his dog off at the clinic and wrote

NARRATIVE




"No medical services W/O prior approval from Donald or Sharon" and further marked a box stating that if any medical problems arise that they can contact the San Tan Animal Hospital.

Donald provided me with a copy of the "Criminal Incident Report", a copy of the San Tan Animal Hospital invoice, the Queen Creek Clinic boarding information sheet, Queen Creek Clinic invoice for the boarding, Queen Creek Clinic invoice for Euthanizing and cremating the dog, an email from the Queen Creek Clinic manager, a photo of the dog 1 years ago, a photo of the dog when euthanized and a "We are sorry" card given by the staff members.

All the above listed documents have been attached to this report and entered into property and evidence.

In conclusion, after reviewing the provided "Criminal Incident Report" it appeared the Queen Creek Clinic staff became aware of the health decline of the animal on Monday 06/01/2020 at approximately 0900 hours. The staff allegedly contacted the San Tan Animal Hospital to obtain the medical records for the dog prior to treating it. The staff did not contact Donald as soon as they observed the dog's health change but did contact the San Tan Animal Hospital which Donald approved of them to do. Donald then arrived at the Clinic at approximately 1315 hours, approximately 4 hours after the dog was found to be in an unhealthy state, according to staff. At that time Donald and his wife made the decision to Euthanize and cremate the dog due to its medical state.

Nothing further at this time.

Attachment:			
		Description: Provided form	
Attachment:			
		Description:	
Attachment:			
		Description: Prop form	
HISTORY			
Completed By:	S2137 LAFLAM, S	On: 8/12/2020	At: 22:12
Reviewed By:	S1626 GLENN, T	On: 8/16/2020	At: 10:06
Approved By:	S1626 GLENN, T	On: 8/16/2020	At: 10:06

Maricopa County Sheriff's Office
Property and Evidence Report

Print Date: 8/12/2020 10:22:48PM

Case Number: 20-022770

Investigator: LAFLAM, SEAN (S2137)

Crime/Charge: MISDEMEANOR

Seizure Officer: LAFLAM, SEAN (S2137)

Case/IR Date: 08/12/2020

Entered By: LAFLAM, SEAN (S2137)

Persons Involved:

Person Type	Person Name	Person Address	Person Phone
Victim	Donald Boucher		

Items Involved:

Owner	Barcode	Item #	Color	Hold As	Make
	00495365	000001		EVIDENCE	
Serial #	Amount	Weight	Category		Model
	0.00		DOCUMENT(S)		
Item detail			Notes		
Provided documents from victim					



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

SUPPLEMENT



INCIDENT REPORT

EVENT	Reported Date:	10/21/2020	Reported Time:	14:43	IR #:	IR20022770	Original/Supp?	SUPPLEMENT	Hand Written?	<input type="checkbox"/> Yes	Info Only	<input type="checkbox"/> Yes	Access Level:	Open	Case Status:	Open	MC (Event) #:	MC20158348
	Serial #:	S1999	Last Name: GIOIA, M							Shift Supervisor: S1598			Name: TENNYSON, D					
	Body Camera Activated?	No	Reason not Active: detective															
	Break in Video?	No	Reason for break:															
INCIDENT	Radio Code:				930C ANIMAL CRUELTY				From Date: 8/12/2020		From Time: 17:32		9-1-1 Tape Requested:					
									To Date:		To Time:							
	Location:				20201 E OCOTILLO RD				City:		QUEEN CREEK		ZIP:		85142		The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others?				NO													

SYNOPSIS

On 10/21/2020 I spoke with Kristi Kruger regarding a phone called she received from Queen Creek animal hospital.

PERSON	ID:	1	Type:	INVESTIGATIVE LEAD	Name Type:	Individual	VR Form & Pamphlet Given?		Reason NOT Given:														
							VR_PamphletDeliveryMethod:																
	Name - Last:				KRUGER				First:		KRISTI		Middle:		Suffix:		DL/ID #:		St.:		Status:		
	Street Nbr.		Dir.		Street Name		Suffix:		Dir.		Unit/Apt		City:		State:		ZIP:						
	Call Phone:				Home Phone:				Email Address:														
	Race:				UNKNOWN		Sex:		F		Ethnicity:		UNKNOWN		SSN:		DOB:		Age Range:		Juvenile:		
																			From:		To:		
	Resident of Jurisdiction?				YES		Height Range:		From:		To:		Weight Range:		From:		To:		Hair:		Eye Color:		
	Was consent to search the Person requested?				No		Consent Given?				Person Search Conducted?		No										
Search Options:																							
Was this an Investigatory Detention?				No		Arrested?		No		ARS:				Type:									
Work Business Name:														Work Phone:									
Street Nbr.		Dir.		Street Name:		Suffix:		Dir.		Unit/Apt		City:		State:		ZIP:							
FBI#:				SID:				BK#:				Scanned Address:											

NARRATIVE

On 10/21/2020 I spoke to Kristi Kruger about an incident that occurred on 06/01/2020 regarding a dog named Bandit. Our conversation was via the phone.

I asked Kristi if she was familiar with a the dog named Bandit and a phone call or calls from the Queen Creek Animal Hospital on 06/01/2020. Kristi responded "yes". I then asked Kristi if she had received a call from this hospital and she replied she didn't one of the receptionists took the call. Kristi stated the call came in sometime between 9-930am. The Queen Creek Hospital asked to make an appointment for Bandit that day, (06/01/2020). There was no specific time they asked to bring the dog so the computer automatically marks it down for 4-430pm the same day. The reason for the visit was the dog stopped using its back legs.

Kristi explained to me there was no records requested at this time. Kristi said their system has a flag for record requests and this was not done.

Kristi stated this was the only phone call from Queen Creek hospital on this date.

NARRATIVE

Comments for this appointment state owner will drop off the dog.

I asked Kristi about the dogs health and she stated when the dog was seen in April it was given a fair prognosis.

Kristi told me when she told the Veterinarian Bandit had passed the Vet was not surprised due to his age.

Nothing further at this time.

Attachment:

Description:

HISTORY

Completed By: S1999 GIOIA, M

On: 10/21/2020 At: 14:56

Reviewed By: S1598 TENNYSON, D

On: 11/9/2020 At: 15:46

Approved By: S1598 TENNYSON, D

On: 11/9/2020 At: 15:46



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date:	Reported Time:	IR #:	Original/Supp?	Hand Written?	Info Only	Access Level:	Case Status:	MC (Event) #:
	10/27/2020	14:44	IR20022770	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Open	MC20158348
	Serial #:	S1999	Last Name:	GIOIA, M	Shift Supervisor:		S1598	Name: TENNYSON, D	
	Body Camera Activated?	No	Reason not Active: detective						
INCIDENT	Break in Video?	No	Reason for break:						
	Radio Code:	930C ANIMAL CRUELTY			From Date:	8/12/2020	From Time:	17:32	9-1-1 Tape Requested:
					To Date:		To Time:		
	Location:	20201 E OCOTILLO RD			City:	QUEEN CREEK		ZIP:	85142
								The number of Additional MCSO Personnel On Scene:	
	Is this IR related to others? NO								

SYNOPSIS

On 10/14/2020 Investigator Redman and myself interviewed veterinarian Makenzie Kurth about the dog Bandit whom was in the boarding facilities care on May 30- June 1 of 2020.

NARRATIVE

On 10/14/2020 Investigator Redman and myself went to the Queen Creek Veterinary Clinic located at 20201 E. Ocotillo rd in Queen Creek to serve a subpoena as well as interview Veterinarian Kurth.

Upon arriving we were led into an exam room were Dr. Kurth later entered and was served the subpoena.

I asked Dr. Kurth if she was familiar with the dog Bandit and the incident surrounding the dog. Dr. Kurth stated she was aware of the dog and the incident.

Dr. Kurth stated the morning the dog was picked up, (06/01/2020) the kennel attendant informed her Bandit did not want to get up to walk like he had been. Dr. Kurth then went to the dog for an examination. Dr. Kurth noted the dog was weak in the hind end. Dr. Kurth said all of the paperwork for Bandit stated do not do any medical on Bandit without owner approval first. Dr. Kurth stated she then had the receptionist, (Jen) to call over to Bandit's regular vet and ask for Bandit's medical records. Dr. Kurth said before the records had come over to their office Bandit's owners had come to pick him up. Dr. Kurth said at the time the owners had come to pick up the dog Bandit had progressed and was now unable to walk. The owners accused Dr. Kurth and staff of abusing the dog to cause this. Dr. Kurth offered the owners no charge x-rays at this time to confirm there was no evidence of trauma. Dr. Kurth offered various treatment options and discussed what she thought the underlying causes were. The owners did not want any treatment options or referrals and elected to put the dog down.

I asked Dr. Kurth what she thought was wrong with the dog and she explained she believed it to be a slipped disc or a piece of cartilage lodging in the blood stream and causing like a mini stroke.

I also asked Dr. Kurth at what point did her office reach out to the owners since the paperwork is marked no treatment until contact. Dr. Kurth responded she waited until the records were sent to her because she wanted to know what was going on with the dog first, such as an underlying condition, before she ordered blood work or x-rays. Dr. Kurth said the records had not come by the time the owners arrived to pick up the dog.

I then asked if this is the standard practice for her clinic. Dr. Kurth stated "no" standard would be to call and authorize an exam right away. Typically we reach out right away however in this case we didn't reach out right away because she wanted to see what was underlying. I asked again why the owners were not called and Dr. Kurth stated she wanted to make sure she had a game plan in place that did not include a bunch of things they had already done.

I asked Dr. Kurth if she suspected the animal had suffered from the time she was made aware Bandit had a problem and when the owners came to pick up their dog. Dr. Kurth responded she did not know, "we think there is pain involved but we do not know the extent of the pain". Dr. Kurth stated she worried as the owners had declined everything from us and their previous vet that the owners would not have wanted anything done to the dog until they got their. Dr. Kurth

NARRATIVE

said she wanted to wait for the records due to not wanting to be in the position of having the owners say they had already done all of what the dr. was suggesting.

Dr. Kurth said to me potentially the suffering was extended longer than it should be.

At the conclusion of this interview I explained the subpoena to Dr. Kurth.

Nothing further at this time.

Attachment:

Description:

HISTORY

Completed By:	S1999	GIOIA, M	On: 10/28/2020	At: 07:41
Reviewed By:	S1598	TENNYSON, D	On: 11/5/2020	At: 14:02
Approved By:	S1598	TENNYSON, D	On: 11/5/2020	At: 14:02



Maricopa County Sheriff's Office

Paul Penzone, Sheriff



INCIDENT REPORT

SUPPLEMENT

EVENT	Reported Date:	Reported Time:	IR #:	Original/Supp?	Hand Written?	Info Only	Access Level:	Case Status:	MC (Event) #:	
	10/28/2020	07:43	IR20022770	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Open	MC20158348	
	Serial #:	S1999	Last Name: GIOIA, M			Shift Supervisor: S1598		Name: TENNYSON, D		
	Body Camera Activated?	No	Reason not Active: detective							
INCIDENT	Break in Video?	No	Reason for break:							
	Radio Code:	930C ANIMAL CRUELTY			From Date:	8/12/2020	From Time:	17:32	9-1-1 Tape Requested:	
					To Date:		To Time:			
	Location:	20201 E OCOTILLO RD			City:	QUEEN CREEK		ZIP:	85142	
							The number of Additional MCSO Personnel On Scene:			
	Is this IR related to others? NO									

SYNOPSIS

On 10-14-2020 I interviewed Jen the receptionist at Queen Creek Veterinary Clinic regarding the incident with the dog Bandit on June 1st 2020.

NARRATIVE

On 10-14-2020 I interviewed Jennifer, (Jen) Ryan at the Queen Creek Veterinary Clinic located at 20201 E. Ocotillo in Queen Creek.

Jen is the receptionist at this Veterinary clinic and was working on 06-01-2020.

I started by asking Jen if she was familiar with the dog Bandit and she stated yes she was aware of the dog. I then asked Jen to tell me what happened on June 1st with the dog Bandit.

Jen said earlier in the day she saw a note saying to call San Tan Animal Hospital for records, however there was no indication of why the records were needed. Jen stated she did call and request the records at the time she found the note. Jen said the owners came in around 1 pm. Jen went in the back to get Bandit and noticed the dog did not want to stand up but was sitting up. Jen then went and talked to Dr. Kurth and the Dr. said they noticed Bandit was having problems standing earlier and that is why they requested records. At this point no records had been received.

Jen then went to the owners and explained the dogs was having problems standing on his back legs. Jen wanted to check Bandit's nails to see if that was an issue for the standing since he had his nails trimmed. Jen discovered the nails were not the issue. Jen told the owners the dog was ok the night before.

Jen stated there is no staff at the clinic from approximately 7pm to 7am.

Jen said Dr. Kurth gave several options for treatment to help Bandit. At this point the owners opted to put the dog to sleep.

Jen said the first time she called San Tan Clinic she just asked for the records and that was the end of the conversation. After the owners came in Jen called San Tan Clinic again and asked for the records again and asked if Bandit could be seen and San Tan stated yes, however the owners did not want to do this.

This concluded my interview with Jen.

Nothing further at this time.

Attachment:	Description:

HISTORY

Completed By:	S1999	GIOIA, M	On:	10/28/2020	At:	08:11
Reviewed By:	S1598	TENNYSON, D	On:	11/9/2020	At:	15:46

Approved By: S1598 TENNYSON, D

On: 11/9/2020

At: 15:46



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

INCIDENT REPORT

SUPPLEMENT



EVENT	Reported Date:	Reported Time:	IR #:	Original/Supp?	Hand Written?	Info Only	Access Level:	Case Status:	MC (Event) #:
	11/10/2020	09:46	IR20022770	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Unfounded	MC20158348
	Serial #:	Last Name:			Shift Supervisor:			Name:	
	S1999	GIOIA, M			S1598			TENNYSON, D	
INCIDENT	Body Camera Activated?	Reason not Active: detective							
	No								
	Break In Video?	Reason for break:							
	No								
INCIDENT	Radio Code:	From Date:			From Time:		9-1-1 Tape Requested:		
	930C ANIMAL CRUELTY	8/12/2020			17:32				
		To Date:			To Time:				
INCIDENT	Location:	City:			ZIP:		The number of Additional MCSO Personnel On Scene:		
	20201 E OCOTILLO RD	QUEEN CREEK			85142				
	Is this IR related to others?	NO							

SYNOPSIS

On 10/21/2020 I spoke to the contracted veterinarian for the Maricopa County Sheriff's Office, Dr. B. Mangone regarding the circumstances in this case for his expert opinion.

NARRATIVE

On 10/21/2020 I called our contracted veterinarian for the Maricopa County Sheriff's Office, (MCSO), Dr. B. Mangone by phone to ask his expert opinion on the circumstances in this case.

I explained to Dr. Mangone the dog Bandit had been boarded with Queen Creek Veterinary Clinic and had a do not treat without consent form signed by the owner.

I told Dr. Mangone on the morning of 06/01/2020 the boarding attendant notified the veterinarian, Dr. Kurth the dog Bandit had problems standing with his back legs and was not wanting to walk like he had the day before. I then stated according to Dr. Kurth she was notified of the dogs condition in the morning and did an examination. Dr. Kurth noted the dog was weak in the hind end. Dr. Kurth said because all of the owners paperwork stated do nothing without owner consent she had her receptionist call over to the dogs primary veterinarian to request medical records prior to treating the dog. Dr. Kurth and staff made no attempt to contact the owners about treatment of the condition of their dog at any time. The dog remained in its current state until the owners came to pick up the dog at approximately 1pm, at which time the dog had gotten worse and was not unable to stand.

Dr. Mangone, upon hearing the facts in this case stated to me yes, this fit the statute of ARS 13-2910 A4- Intentionally, knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

Dr. Mangone also stated this case needs to be forwarded to the State Board of Veterinarian medicine.

Due to the expert opinion of our contracted veterinarian, Dr. Mangone I will be serving a citation to Dr. Makenzie Kurth for ARS 13-2910 A4.

Nothing further at this time.

Attachment:	Description:

HISTORY

Completed By:	S1999	GIOIA, M	On:	11/12/2020	At:	10:56
Reviewed By:	S1598	TENNYSON, D	On:	11/18/2020	At:	14:04
Approved By:	S1598	TENNYSON, D	On:	11/18/2020	At:	14:04



Maricopa County Sheriff's Office

Paul Penzone, Sheriff

SUPPLEMENT



INCIDENT REPORT

EVENT	Reported Date:	Reported Time:	IR #:	Original/Supp?	Hand Written?	Info Only	Access Level:	Case Status:	MC (Event) #:
	12/1/2020	11:20	IR20022770	SUPPLEMENT	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	Open	Open	MC20158348
	Serial #:	S1999	Last Name:	GIOIA, M	Shift Supervisor:		S1598	Name: TENNYSON, D	
	Body Camera Activated?	No	Reason not Active: detective						
INCIDENT	Break in Video?	No	Reason for break:						
	Radio Code:	930C ANIMAL CRUELTY			From Date:	8/12/2020	From Time:	17:32	9-1-1 Tape Requested:
				To Date:				To Time:	
	Location:	20201 E OCOTILLO RD			City:	QUEEN CREEK		ZIP:	85142
								The number of Additional MCSO Personnel On Scene:	
Is this IR related to others? NO									

SYNOPSIS

On 12/01/2020 I served a citation to Makenzie Kurth for ARS 2910a2.

PERSON	ID:	Type:	Name Type:	VR Form & Pamphlet Given?	Reason NOT Given:				
	1	SUSPECT	Individual	VR_PamphletDeliveryMethod:					
	Name - Last:			First:	Middle:	Suffix:	DLID #:	St.:	Status:
	KURTH			MAKENZIE					VALID
	Home	Street Nbr.	Dir.	Street Name	Suffix:	Dir.	Unit/Apt	City:	State:
	Cell Phone:		Home Phone:		Email Address:				
	Race:	Sex:	Ethnicity:	SSN:	DOB:	Age Range:	Juvenile:		
	WHITE	F	NOT HISPANIC OR LATINO			From: To:	No		
	Resident of Jurisdiction?	Height Range:	Weight Range:	Hair:	Eye Color:				
YES	From: 504 To: 504	From: 130 To: 130	BLONDE OR STRAWBERRY - BLN	BLUE - BLU					
Was consent to search the Person requested?			Consent Given?	Person Search Conducted?					
No				No					
Search Options:									
Was this an Investigatory Detention?			Arrested?	ARS:	Type:				
No			No						
Work	Work Business Name:					Work Phone:			
	Street Nbr.	Dir.	Street Name:	Suffix:	Dir.	Unit/Apt	City:	State:	
	FBI#:	SID:	BK#:	Scanned Address:					

NARRATIVE

On 12/01/2020 I responded to 20201 E. Ocotillo in Queen Creek, Queen Creek Veterinary Clinic to serve a criminal citation to the veterinarian Makenzie Kurth.

Upon arriving I was shown into exam room 2 where I waited for Makenzie to come in. Makenzie and the office manager came in. I explained the investigation into the incident with the dog named Bandit was concluded and a citation was going to be issued to her for ARS 2910A2, A person commits cruelty to animals if the person does any of the following: 2. Intentionally knowingly or recklessly fails to provide medical attention necessary to prevent protracted suffering to any animal under the person's custody or control.

I explained the citation in its entirety to Makenzie and showed her the court date the location of the court and the consequences of not attending or rescheduling the court date.

Makenzie stated she understood and did not have any questions.

Nothing further this case will be closed by arrest.

Attachment:			
		Description:	
HISTORY			
Completed By:	S1999	GIOIA, M	On: 12/1/2020 At: 11:35
Reviewed By:	S1598	TENNYSON, D	On: 1/25/2021 At: 14:14
Approved By:	S1598	TENNYSON, D	On: 1/25/2021 At: 14:14

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Please keep this form for future reference regarding your case.

1 Contact Type: IN PERSON

Date: 8/12/2020

2 CASE IDENTIFYING INFORMATION

Reporting Agency: 0700 - MARICOPA COUNTY		Phone Number: (602) 876-1000	
Reporting Officer Serial#: S2137	Name: LAFLAM	IR#: IR20022770	Event#: MC20158348
Location: 20201 E OCOTILLO RD		Report/Citation Date: 8/12/2020	Report/Citation Time: 4:51 PM
Offense/Type of Crime: 930C ANIMAL CRUELTY		Class of Crime/Offense: FELONY	
Are these New Charges or a Warrant? New Charges: <input checked="" type="radio"/> Warrant: <input type="radio"/>			

3 ARREST / DETENTION STATUS

Suspect Type: SUSPECT NOT IN CUSTODY				
Known?	Adult/Juvy?	Last Name:	First:	MI: Date of Birth:
UNKNOWN				
<p>If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified within 30 days you may obtain case status information by calling the Law Enforcement Agency indicated in Box 2 above.</p>				

4 VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE

Was the Victim known at the time of Arrest? Yes		Was the Victim's Rights Form and Pamphlet Provided to Victim? Yes	
A. Who was the crime or offense committed against?			
Last Name: BOUCHER	First Name: DONALD	Middle Name: PETER	DOB: [REDACTED]
B. Are you the victim or lawful representative? (CHECK BOX THAT APPLIES)			
<input checked="" type="radio"/> The crime was committed against me. I AM THE VICTIM. <input type="radio"/> One of the following applies to me. I am the victim's LAWFUL REPRESENTATIVE.			
<input type="radio"/> The victim has designated me as his/her lawful representative. <input type="radio"/> The victim is a legal entity (corporation, partnership or business). <input type="radio"/> The victim is a vulnerable adult & I am the legal guardian.		<input type="radio"/> The victim is incapacitated or deceased and I am an immediate family member. <input type="radio"/> The victim is a minor child and I am a parent, immediate family member or legal guardian.	
Victim's Lawful Representative:		Relationship to Victim:	
Last Name:	First Name:	DOB:	
C. How can you be contacted?		Language Preference: English	
Mailing Address:	Street: UNKNOWN	Apt:	City: ST: ZIP:
<input type="checkbox"/> Home address is the same as Mailing address:			
Home Address:	Street: UNKNOWN	Apt:	City: ST: ZIP:
Home Phone: (602) 510-5285	Mobile Phone:	Work Phone:	eMail:
D. I REQUEST my rights in this case. <input checked="" type="radio"/> OR <input type="radio"/> I WAIVE (DECLINE) my rights in this case. <input type="radio"/> OR <input type="radio"/> REQUEST / WAIVER exception per A.R.S. 13-4405(B) and 8-386(B) <input type="radio"/> (FOR REPORTING AGENCY USE ONLY)			
I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.			
Notes / Comments:			



Maricopa County Sheriff's Office

ARIZONA TRAFFIC TICKET AND COMPLAINT

Report Number

IR20022770

Complaint
070007062033601OLN
D04569171Seized
☐ YesIn Possession
☒ YesState
AZClass
DMilitary
☐ Yes☐ COLLISION
☐ FATALITY
☐ SERIOUS INJURY☐ COMMERCIAL
☐ HAZ MAT
☐ 16 PASSENGER

DEFENDANT	Person Type INDIVIDUAL	Name: First MAKENZIE	Middle	Last KURTH	Interpreter Required? <input type="checkbox"/>	Spanish Only? <input type="checkbox"/>	Other Language
	Residential Address 20861 E ORCHARD LN				City QUEEN CREEK	State AZ	Zip Code 85142
	SSN [REDACTED]	Gender FEMALE	Eyes BLU	Hair BLN	Height 504	Weight 130	DOB 3/20/1990
	Business Address 20201 E OCOTILLO				City QUEEN CREEK	State AZ	Zip Code 85142
VEHICLE	Year	Color	Make	Model	Style	License Plate	Seized <input type="checkbox"/> Yes
	Registered Owner				Address		City

THE UNDERSIGNED CERTIFIES THAT:

ON	Date 12/01/2020	Time 10:30	SPEED:	Approx 0	Posted 0	R&P	Speed Measurement Device	Equipment Number	Direction Of Travel	Lane
AT	On-Highway NO	Highway	Milepost	Location 20201 E OCOTILLO				Precinct 0720	County MARICOPA	STATE OF ARIZONA

THE DEFENDANT COMMITTED THE FOLLOWING:

A	Section 13-2810A2	Statute ARS	Violation ANIMAL-FAIL PROV MEDICAL TRTMT	<input type="checkbox"/> Domestic Violence Case
	Description: ANIMAL-FAIL PROV MEDICAL TREATMENT			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input checked="" type="checkbox"/> Criminal
B	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
C	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
D	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal
E	Section	Statute	Violation	<input type="checkbox"/> Domestic Violence Case
	Description:			<input type="checkbox"/> Civil Traffic <input type="checkbox"/> Civil <input type="checkbox"/> Petty Offense <input type="checkbox"/> Criminal Traffic <input type="checkbox"/> Criminal

You Must Appear At:	Court SAN TAN JC	Court No. 0720	AT THE DATE AND TIME INDICATED:	Date 01/26/2021	Time 9:00 AM
	Court Phone No. (602) 372-3400	Business Address 201 E. CHICAGO ST, STE. #102	City, State, Zip Code CHANDLER, AZ 85225		

CRIMINAL: <input checked="" type="checkbox"/> Without admitting guilt, I promise to appear as directed herein.	Signature not Obtained <input type="checkbox"/>	<input type="checkbox"/> VICTIM?	FINGERPRINTED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
CIVIL: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.		<input type="checkbox"/> VICTIM NOTIFIED?	<input type="checkbox"/> IN CUSTODY
JUVENILE: <input type="checkbox"/> Bring one Parent.		I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of this complaint upon the defendant.	
X		M. Giola	S1999 MC20231950
		COMPLAINANT	BADGE NO. EVENT NUMBER

ADDITIONAL OFFICERS

Name	ID. NO.	Role	Agency
------	---------	------	--------

TRANSMISSION TO COURTS

Transmission Date 12/08/2020	Transmission Response
--	-----------------------

CONDITIONS

Conditions - Lighting <input type="checkbox"/> Dawn <input type="checkbox"/> Daylight <input type="checkbox"/> Dusk <input type="checkbox"/> Night <input type="checkbox"/> Street Lights	Other - Lighting
Conditions - Weather <input type="checkbox"/> Clear <input type="checkbox"/> Cloudy <input type="checkbox"/> Dry <input type="checkbox"/> Wet	Other - Weather
Conditions - Traffic <input type="checkbox"/> Light <input type="checkbox"/> Moderate <input type="checkbox"/> Heavy	Other - Traffic
Street Lights Functional <input type="checkbox"/> Yes <input type="checkbox"/> No	Defendant's Vehicle
Number of Occupants	

VEHICLE DETAILS

Vehicle Number	Year	Make	Marked Unit <input type="checkbox"/> Yes	Speedometer	Calibrated <input type="checkbox"/> Yes	Date	By	
Speed Measuring Device Calibration Checked:				Unit Number	Begin Shift	End Shift	Tuning Fork Number	
WITNESS LIST								
Name: First	Last	Address			City	State	Zip Code	Phone
OFFICER'S NARRATIVE								

Potential Evidence of Altered Document for Your QCVS Search Warrant

Donald Boucher · [REDACTED]

Mon, Aug 17, 2020 at 12:49 PM

To: h_redman@mcso.maricopa.gov, [REDACTED]

Hello Detective Redman:

As referenced in our call this morning, please review the attached and altered document received in an email from Stephanie Salinas, Hospital Manager, Queen Creek Veterinary Clinic on Saturday, 08/15/20 to page 3 of Evidence Item 2.


In my report, Evidence Item 2, a three page document, was obtained from Jen (S/2) on Friday, June 5th in response to an in-person request by Sharon Boucher. Sharon then witnessed Jen make the photo copies of these three pages and directly deliver them to her.

In the comment section of the attached document, please review the note, "*MV 05/31/20 am/pm - no abnormalities noted,*" was not present on the June 5th copy (EV-2) of the document copied by Jen and presented to Sharon. It would appear this comment was added after June 5th in order to further conceal the truth.

Please call or email me with any questions. Thank you.

Best regards,

Don and Sharon

 QCVS_Doctored Document Received on 081520_Compare to Evidence Item 2_Page 3.pdf
359K

The synopsis of the incident is as follows:

In June 2020, "Bandit" Boucher, a 17-year-old dog was staying at my hospital for boarding. My records indicated he was 14 years, but the owners were very insistent that he was closer to 17 years old.

On the morning he was to go home, kennel staff notified me that Bandit did not want to eat or go for his walk, as was normal for him. I performed an exam to make sure he was stable, despite multiple signed owner forms specifically stating that they DID NOT authorize any medical care or treatment. I found he was paretic (weak) in the hind but did not exhibit severe pain. As he was not a patient of ours, I had reception reach out to his regular veterinary office for records. I felt this was important for a geriatric dog to see if he had any known underlying medical conditions or if he was on any medications.

Before records could be received, the owners arrived for pickup. About 4 hours had elapsed since I was first notified of his condition. I re-examined Bandit and found him almost completely paraplegic at that time. Again, he did not exhibit any signs of severe pain. During the exam, I checked for superficial pain and deep pain to assess the status of his spinal cord. In checking for superficial pain, I pinched his skin and he did not respond, suggesting the spinal cord was likely only superficially affected. I then checked for deep pain by squeezing his toe with a hemostat and he did react, suggesting that the innermost section of his spine was intact and that he would be more likely to regain all his functions with time, rest, and medication. Had he not responded to the deep pain assessment, it would suggest his chances of recovery were extremely low.

I spoke with the owners to let them know what had happened. I explained the most likely diagnoses given Bandit's age (Intervertebral disk disease (IVDD)—a slipped disk, Fibrocartilaginous embolism (FCE)—a bit of cartilage material penetrating the blood supply of the spine, etc.). The owners accused me of kicking or otherwise harming their dog. I assured them that no such trauma had happened by myself or my staff and explained that acute onset is very typical in these cases. When they insisted that we had done something to hurt Bandit, I provided sedated x-rays at no charge to the owners. There were no fractures and his stomach contained food from the previous evening's meal. There was no obvious spinal arthritis, so again I explained that disk disease was most likely. I offered referral to neurology for advanced imaging, transfer to his regular veterinarian (about 3 miles away), and medical management with steroids and strict rest. I suggested that because he had a deep pain response, it meant that he might do quite well with medical management. I did not suggest euthanasia as an option until the owners brought it up. The owners refused all suggestions and elected humane euthanasia.

Before leaving, Mr. Boucher informed me that he was a detective for many years and "knew people" and would be sure that I was investigated.

In October 2020, Officer Redman of the Maricopa County Sheriff's Office came in and asked for records on this case. He commented that his "boss knew this guy" and that was the reason he was looking into it. He said that he felt that the dog was "old, and it was probably just his time." It sounded as if he was simply looking into it as a favor to his boss—who in turn was supposedly doing a favor for Mr. Boucher. Per our policy, we declined to release any records without a subpoena, but did let Officer Redman know that Mr. Boucher also had a copy of all records.

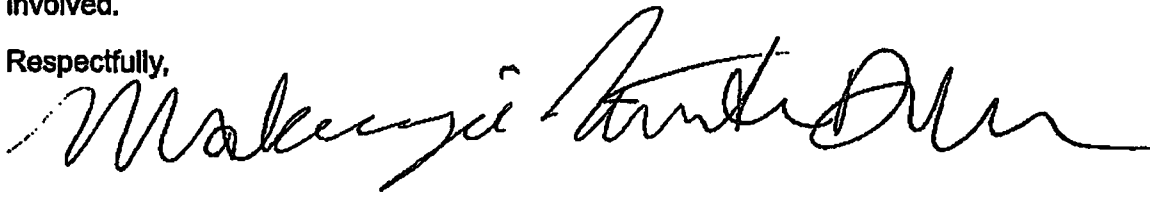
In November 2020, Officer Redman returned to our office with Officer Goia. They handed me a subpoena for the documents. I was not allowed to read the document—Officer Goia told me what it said. When I attempted to read it, he continued to ask me what happened. I asked if a written statement would be best and he said “no, now is good.” I found out later that I did not have to give an on-the-spot statement without being able to review any of my medical notes from several months prior.

On December 2, 2020, Officer Goia handed me a citation for animal neglect. This citation was against me personally, not the clinic or the boarding staff. We contacted MCSO to complain and an Internal Affairs investigation is pending for cronyism. We have no reason to believe that an outside veterinarian was contacted before issuing the citation.

In February 2021, the criminal citation was dismissed by the Maricopa County Attorney's Office. Mr. Boucher was upset by this and so he filed a Board Complaint.

Please find all our boarding records, medical records, radiographs, and client notes. My medical notes and the client communications were written within 24-48 hours of the incident and likely to be the most accurate re-telling of the events from myself and the staff members involved.

Respectfully,

A handwritten signature in black ink, appearing to read "Makenzie Kurth". The signature is fluid and cursive, with a long horizontal stroke at the end.

Makenzie Kurth DVM

Medical Director

Queen Creek Veterinary Clinic

20201 E. Ocotillo Rd.

Queen Creek, AZ 85142

480-987-8000

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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VETBOARD.AZ.GOV

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Cameron Dow, DVM
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Marc Harris – Assistant Attorney General

RE: Case: 21-88
Complainant(s): Donald and Sharon Boucher
Respondent(s): Makenzie Kurth, DVM (License: 6727)

SUMMARY:

Complaint Received at Board Office: 2/8/21
Committee Discussion: 7/13/21
Board IIR: 8/18/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On May 30, 2020, "Bandit," a 15.5-year-old male Rat Terrier was presented to Respondent's premises for boarding until June 1, 2020.

On June 1, 2020, kennel staff noted the dog was lethargic, had not eaten, and did not want to get up to go outside. Respondent evaluated the dog and noted a weak hind end. She requested staff obtain the dog's medical record from their regular veterinarian.

That afternoon, Complainants called and then arrived a short time later to pick up the dog. Respondent re-evaluated the dog; she noted that the dog's condition had progressed and he was almost completely paraplegic at that time.

Complainants were made aware of the dog's condition and sedated radiographs were performed to assess the dog. Respondent's assessment was intervertebral disc disease and fibrocartilaginous embolism. She offered options of referral to a neurologist, transfer to the regular veterinarian, or medical management. Complainants declined and elected to humanely euthanize the dog.

Complainants expressed concern that Respondent did not call to notify them, or their emergency contact, of the dog's condition before arriving to pick up the dog. Authorization to provide treatment to the dog could have been initiated sooner.

Complainants were noticed and appeared.

Respondent was noticed and appeared with attorneys, Kurt Altman and Ashley Fitzwilliams.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Donald and Sharon Boucher*
- Respondent(s) narrative/medical record: *Makenzie Kurth, DVM*
- Consulting Veterinarian(s) narrative/medical records: *San Tan Animal Hospital*

PROPOSED 'FINDINGS of FACT':

1. On April 1, 2019, the dog was presented to Dr. Greif at San Tan Animal Hospital for an exam and vaccines. Complainants reported that the dog had been having a hard time getting up lately but still had energy to play. The dog was currently on apoquel. The dog was examined with the only abnormalities noted were nuclear sclerosis and a cyst on top of the dog's skull. The dog was administered cytopoint, DA2PP 3 year and Bordetella 1 year.
2. On April 3, 2020, the dog was presented to Dr. Sunderman at San Tan Animal Hospital for evaluation. Complainants reported that the dog had allergies and scratched his face and chewed his groin. The dog was currently on apoquel. Dr. Sunderman examined the dog and noted that his hind end was stiff, but had good mobility. She recommended Dasquin or Cosequin; she further recommended pain medication as needed. Radiographs were also recommended to further assess.
3. On May 30, 2020, the dog was dropped off for boarding at Respondent's premises. Complainants advised that they would pick the dog up on June 1, 2020. Complainants selected to board the dog in a cage, have the dog's nails trimmed, and did not want any medical services provided to the dog without prior approval. Complainants selected to have pictures sent via text message while the dog was boarding and left an emergency contact number.
4. According to staff member Ms. Ryan, it was recommended Complainants board the dog in a medium run, instead of a cage, to provide the dog more comfort and less stress. Complainants continued to board the dog in a cage; staff would place the dog in a medium run at no charge to Complainants to ensure the dog was comfortable.
5. On May 31, 2020, Ms. Ryan stated that she stayed late to help clean the clinic and help with the boarding animals. Kennel staff took the dog out for a walk, although he moved slow as usual, he was mobile. The dog's belongings were removed from the run to be washed and were replaced – additional bedding and blankets were placed in the run to ensure comfort. Kennel staff brought the dog back inside; the dog walked into the run and

rested in the bedding.

6. On June 1, 2020, kennel staff member, Ms. Levine, arrived at 6am for her shift to care for the boarding animals. Ms. Levine noticed the dog seemed lethargic and remained laying down – he did not get up to eat or drink. When she got to the dog's run, Ms. Levine noted the dog was still laying down therefore she opened the kennel door and called his name. The dog lifted his head but would not get up to greet her. Ms. Levine closed the kennel door and reported the dog's behavior to Respondent. Respondent advised Ms. Levine to not try to coax the dog out and she would evaluate the dog.

7. Despite Complainants not authorizing any medical care or treatment, Respondent examined the dog to ensure he was stable after receiving concerns for the dog from kennel staff. Respondent found the dog parietic in the hind but did not exhibit severe pain. Since the dog was not a patient of theirs, Respondent had reception staff reach out to the regular veterinarian to obtain a copy of the dog's medical record. Respondent felt it would be important for a geriatric dog to see if he had any known underlying conditions or if he was on any medications.

8. Ms. Ryan stated that when she arrived at work at 8:00am, she was given a sticky note requesting she get the dog's medical records from San Tan Animal Hospital. She stated that she did not know anything medical was going on with the dog and called the hospital as soon as she was able and requested the records.

9. According to Dr. Darger and Ms. Kruger, hospital manger, at San Tan Animal Hospital, they were contacted between 8:00 – 9:00am by Queen Creek Veterinary Clinic regarding the dog. They advised that the dog was boarding with them and was not doing well – they asked if the dog could be transferred or dropped off to be seen. San Tan reception staff advised that the dog could be brought over anytime and the dog was placed on the schedule as a drop off. There was no mention that the dog's medical records were requested.

10. Complainants called the premises to alert them that they would be arriving shortly to pick up the dog. They wanted to ensure the dog was ready when they arrived. According to Respondent, Complainants arrived prior to her obtaining the dog's medical records from San Tan Animal Hospital. It had been 4 hours since the dog had been evaluated therefore Respondent re-examined the dog. The dog was almost completely paraplegic at that time. However, the dog did not exhibit any signs of severe pain. Respondent checked for superficial pain and deep pain to assess the status of the dog's spinal cord, she pinched the dog and he did not respond. She then squeezed the dog's toe with a hemostat and he did react, suggesting the innermost section of the dog's spine was intact and he would likely regain all his functions with time, rest, and medication.

11. When Complainants arrived to pick up the dog, they were given the dog's possessions

and staff went to get the dog. Complainants stated that they waited for around 15 minutes before Ms. Ryan returned and asked them to step into an exam room. She explained to Complainants that the dog was having difficulty standing, which was noted that morning. Complainants asked why they were not called, or their emergency contact, to advise them of the dog's status. They demanded to see the dog.

12. A short time later, the dog was brought to Complainants. Complainants stated the dog was shaking uncontrollably and appeared to be in extreme pain; he did not recognize or respond to their presence. Complainants attempted to assist the dog in standing on the floor but the dog was not able to control his hind end and was unable to stand on all fours. They requested to speak with Respondent.

13. Respondent entered the room and explained that due to the dog's age, he most likely had IVDD or FCE. According to Respondent, Complainants accused Respondent of kicking or harming the dog. Respondent assured them that no such trauma had occurred by her or her staff and relayed that acute onset is very typical in these cases. Since Complainants insisted they had done something to harm the dog, Respondent offered to provide sedated radiographs at no charge. Radiographs revealed that there were no fractures or obvious spinal arthritis therefore making disk disease the most likely cause of the dog's condition.

14. Respondent offered referral to a neurologist, transfer to the regular veterinarian, and medical management with steroids and strict rest. She suggested that because the dog had deep pain response, it meant that the dog might do well with medical management. Complainant declined Respondent's options and elected to humanely euthanize the dog as they believed the dog's condition was irreversible. Respondent complied with Complainants' wishes and humanely euthanized the dog. The dog's remains were placed in cold storage for individual cremation.

15. Complainants were concerned that someone caused the dog harm while boarding at Respondent's facility and were possibly trying to cover it up. They called San Tan Animal Hospital and were told by the hospital manager, Ms. Kruger, that Respondent's premises did not request the dog's medical records. There was discussion about bringing the dog there for treatment, thus the dog was scheduled as a drop-off. Furthermore, an amendment was made to the boarding records for 5/31/20, stating "no abnormalities noted." This addendum was made after Complainants had requested a copy of the medical records. Complainants also speculated that the dog may have been possibly dropped, or fallen from a treatment table, when his toenails were trimmed, as he can resist and squirm when picked up.

16. Complainant filed a report with the Maricopa County Sheriff's Office citing animal neglect. The matter was investigated and an opinion was obtained regarding the matter from MCSO's contracted veterinarian, Dr. Mangone. Due to Dr. Mangone's opinion, Respondent received a citation for animal neglect on December 2, 2020.

17. In February 2021, the criminal citation was dismissed by the Maricopa County Sheriff's Office.

COMMITTEE DISCUSSION:

The Committee discussed that Respondent accepted the care of the dog while it was in boarding.

The Committee did not believe there was any animal cruelty by Respondent or staff. There were no cuts, bruises, scrapes, fractures, etc. that may be indicative of any sort of animal cruelty, which was supported by the complimentary radiographs.

The progression of the dog's neurological condition was fairly typical. At times signs will be subtle, the dog will be slow to rise and no pain. Respondent's suspicion of IVDD or FCE were reasonable conclusions, although FCE may have progressed quicker. It is in the realm of possibility that the dog was examined at 9:00am, looked fairly well, but a little off – then when re-examined 3 – 4 hours later, be paralytic. On the initial exam, Respondent was not extremely worried about the dog, there was nothing found on exam that the situation was emergent. She instructed staff to call the primary care veterinarian for medical records. Technically the dog was not a patient there and was a boarding client, therefore the steps seemed appropriate.

The Committee did question however, why Complainants were not called. The dog likely had a condition that developed while boarding and progressed naturally. Respondent performed two exams on the dog even though the boarding paperwork instructed her to not do anything without calling Complainants prior.

The Committee discussed that initially the situation was not urgent. It seemed reasonable for Respondent to try to obtain the dog's medical record to see if there were issues she was unaware of prior to calling, and worrying, Complainants. IVDD and/or FCE can take days to hours to progress; there is no way to tell.

Respondent assessed the dog's pain and did not feel it dramatically increased during the day. It can be concerning for a pet parent to see their pet down and unable to walk, however, there is not a direct correlation between down and pain. Paralysis does not equate pain therefore the Committee did not feel there was prolonged suffering in this case.

The Committee commented that there was not a diagnosis in this case. FCE is characterized as being a non-painful condition. There could be pain initially, but it is usually transient. IVDD can be painful but it's speculation as to when the dog actually went down. There are approximately four hours in between exams – it could have been two minutes before Complainants arrived that the dog went down, or three hours.

As far as medical intervention, the key factor in IVDD is loss of deep pain sensation in the dogs' feet. At the time of exam when Complainants arrived, deep pain was present – the animal was conscious of pain, and reacted to it. Therefore time was not a factor yet; once a dog loses deep pain sensation, recovery is less likely to happen. An animals' toes are pinched hard to determine if the animal can feel deep pain. The progression of spinal cord injury can be determined this way; if the center of the spinal cord is damaged an animal will lose deep pain sensation. In case, the dog did have deep pain sensation therefore there was a chance of the dog recovering and medical management can be an option for treatment.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division